

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

ELWOOD H. JONES, JR.,

Petitioner,

-vs-

MARGARET BAGLEY, Warden,

Respondent.

:

Case No. 1:01-cv-564

:

District Judge Thomas M. Rose
Magistrate Judge Michael R. Merz

:

ORDER STRIKING PETITIONER'S REPLY MEMORANDUM

This capital habeas corpus case is before the Court on Petitioner's Reply Memorandum on Objections (Doc. No. 166).

Fed. R. Civ. P. 72(b) provides that a party may make specific written objections to a magistrate judge's report and recommendations within fourteen days of being served with the report. Prior to December 1, 2010, that time period was ten days, but Petitioner here received a total of 2.5 months to file objections. The rule allows a party to respond to another party's objections within fourteen days of being served with the objections. This period was also ten days prior to December 1, 2009, but Respondent was allowed a sixty-day extension of her time to respond. She did so on February 2, 2010, making the objections ripe for decision by Judge Rose.

Fed. R. Civ. P. 72(b) does not provide for an objecting party to file a reply memorandum in support of objections after the other party has responded. Nor did Petitioner seek or obtain leave of court to file this Reply. Both parties were given many multiples of the time allowed by the Rule for briefing objections and there is no demonstrated need for further briefing.

Accordingly, the Reply Memorandum is STRICKEN.

February 18, 2010.

s/ **Michael R. Merz**
United States Magistrate Judge